

**SUPREME COURT MINUTES
TUESDAY, DECEMBER 16, 2008
SAN FRANCISCO, CALIFORNIA**

S044739

**PEOPLE v. BANKSTON
(ANTHONY GEORGE)**

Extension of time granted

Good cause appearing, and based upon State Public Defender Michael Hersek's representation that he anticipates filing the appellant's opening brief by March 3, 2009, counsel's request for an extension of time in which to file that brief is granted to February 13, 2009. After that date, only one further extension totaling about 30 additional days is contemplated.

S076175

PEOPLE v. LOY (ELOY)

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Marianne D. Bachers's representation that she anticipates filing the appellant's reply brief by October 16, 2009, counsel's request for an extension of time in which to file that brief is granted to February 23, 2009. After that date, only four further extensions totaling about 240 additional days are contemplated.

S082915

**PEOPLE v. EUBANKS
(SUSAN DIANE)**

Extension of time granted

Good cause appearing, and based upon counsel Patrick Morgan Ford's representation that he anticipates filing the appellant's opening brief by September 1, 2009, counsel's request for an extension of time in which to file that brief is granted to February 9, 2009. After that date, only four further extensions totaling about 200 additional days are contemplated.

S089478

**PEOPLE v. MAI (HUNG
THANH)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender C. Delaine Renard's representation that she anticipates filing the appellant's opening brief by August 1, 2009, counsel's request for an extension of time in which to file that brief is granted to February 17, 2009. After that date, only three further extensions totaling about 170 additional days are contemplated.

S106274
(SOCORRO

PEOPLE v. CARO
SUSAN)

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 10, 2009.

S110804

PEOPLE v. ACREMANT
(ROBERT JAMES)

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 19, 2009.

S113421

PEOPLE v. HARDY
(WARREN)

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 9, 2009.

S155689
GALEN)

DAVENPORT (JOHN
ON H.C.

Extension of time granted

Good cause appearing, and based upon David R. Evans's and Deputy Federal Public Defender Statia Peakheart's representation that they anticipate filing the reply to the informal response to the petition for writ of habeas corpus by January 14, 2009, counsel's request for an extension of time in which to file that brief is granted to January 14, 2009. After that date, no further extension is contemplated.

S159540

BENNETT (ERIC WAYNE)
ON H.C.

Extension of time granted

Petitioner's request for relief from default is granted.

Good cause appearing, and based upon counsel Tamara P. Holland's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by September 2009, counsel's request for an extension of time in which to file that document is

granted to January 29, 2009. After that date, only four further extensions totaling about 215 additional days are contemplated.

S166435 A116798 First Appellate District, Div. 2

**CLAYWORTH (JAMES) v.
PFIZER, INC.**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to February 17, 2009. No further extensions of time are contemplated.

S168652

**CHASE (LOUIS) v. S.C.
(COUNTY OF SAN
BERNARDINO)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

The above entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S168886

**COLLINS (JEFFREY) v.
DEPARTMENT OF
CORRECTIONS**

Transferred to Court of Appeal, Third Appellate District

The above entitled matter is transferred to the Court of Appeal, Third Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S168941

**HILL (BRIAN T.) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S167535**TABACHNICK ON
DISCIPLINE**

Recommended discipline imposed

It is ordered that BARRY STEPHAN TABACHNICK, State Bar No. 91923, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 8, 2008. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-third of said costs be paid with membership fees for the years 2010, 2011, and 2012. It is further ordered that if respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S167536**WAHL II ON DISCIPLINE**

Recommended discipline imposed

It is ordered that VICTOR JOSEPH WAHL II, State Bar No. 78472, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 18, 2008. It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S167539**WILLIAMS, JR., ON
DISCIPLINE**

Recommended discipline imposed

It is ordered that FRANK HENRY WILLIAMS, JR., State Bar No. 193991, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 30, 2008, as modified by its order filed on September 5, 2008. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* It is ordered that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and be payable in equal installments prior to February 1 with membership fees for membership years 2010, 2011, and 2012, following the effective date of this order. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 847)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JANUARY 6, 7, and 8, 2009**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 6, 7, and 8, 2009.

TUESDAY, JANUARY 6, 2009—9:00 A.M.

S155742	Sheehan et al. v. The San Francisco 49ers, LTD
S156986	Mileikowsky v. West Hills Hospital & Medical Center et al.
S023421	People v. Bunyard (Jerry) [Automatic Appeal]

WEDNESDAY, JANUARY 7, 2009—9:00 A.M.

S155589	Morongo Band of Mission Indians v. State Water Resources Control Board
S159524	In re Nolan W. on Habeas Corpus
S143929	Silverbrand v. County of Los Angeles et al. (<i>To be called and continued</i>)

1:30 P.M.

S153183	People v. Kim (Hyung)
S151561	People v. Villa (Avelino)
S149344	Prince v. Pacific Gas & Electric Co. (<i>Chin and Corrigan, JJ., not participating; McGuinness and McIntyre, JJ., assigned justices pro tempore</i>)

THURSDAY, JANUARY 8, 2009—9:00 A.M.

S143723	Guardianship of Ann S.
S142028	In re Charlotte D.
S149988	State of California v. Underwriters at Lloyd's London et al. (<i>Chin, J., not participating; Mosk, J., assigned justice pro tempore</i>)

1:30 P.M.

S156537	People v. Wagner (David Eric)
S156775	People v. Ramirez (Jessie Jose)
S157601	People v. Chun (Sarun)

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)